

STATE OF WISCONSIN
Senate Journal

One-Hundred and Fifth Regular Session

FRIDAY, April 15, 2022

The Chief Clerk made the following entries under the above date.

CHIEF CLERK'S ENTRIES

DEPOSITED WITH THE SECRETARY OF STATE

The Chief Clerk records:

- Senate Joint Resolution 1**
- Senate Joint Resolution 11**
- Senate Joint Resolution 14**
- Senate Joint Resolution 32**
- Senate Joint Resolution 84**
- Senate Joint Resolution 95**
- Senate Joint Resolution 100**
- Senate Joint Resolution 101**
- Senate Joint Resolution 102**
- Senate Joint Resolution 108**

Deposited in the office of the Secretary of State on 4-15-2022.

PETITIONS AND COMMUNICATIONS

State of Wisconsin
Office of the Governor

April 15, 2022

The Honorable, the Senate:

The following bill(s), originating in the Senate, have been approved, signed and deposited in the office of the Secretary of State:

<u>Bill Number</u>	<u>Act Number</u>	<u>Date Approved</u>
Senate Bill 115.....	253	April 15, 2022
Senate Bill 392.....	254	April 15, 2022
Senate Bill 508.....	255	April 15, 2022
Senate Bill 519.....	256	April 15, 2022
Senate Bill 535.....	257	April 15, 2022
Senate Bill 564.....	264	April 15, 2022
Senate Bill 566.....	258	April 15, 2022
Senate Bill 604.....	259	April 15, 2022
Senate Bill 644.....	260	April 15, 2022
Senate Bill 673.....	261	April 15, 2022
Senate Bill 718.....	265	April 15, 2022
Senate Bill 719.....	266	April 15, 2022
Senate Bill 720.....	267	April 15, 2022
Senate Bill 794.....	262	April 15, 2022

Sincerely,
TONY EVERS
Governor

Pursuant to s. 35.095 (1)(b), Wisconsin Statutes, the following 2021 Act(s) have been published:

<u>Act Number</u>	<u>Bill Number</u>	<u>Publication Date</u>
Wisconsin Act 253.....	115	April 16, 2022
Wisconsin Act 254.....	392	April 16, 2022
Wisconsin Act 255.....	508	April 16, 2022
Wisconsin Act 256.....	519	April 16, 2022
Wisconsin Act 257.....	535	April 16, 2022
Wisconsin Act 258.....	566	April 16, 2022
Wisconsin Act 259.....	604	April 16, 2022
Wisconsin Act 260.....	644	April 16, 2022
Wisconsin Act 261.....	673	April 16, 2022
Wisconsin Act 262.....	794	April 16, 2022
Wisconsin Act 264.....	564	April 16, 2022
Wisconsin Act 265.....	718	April 16, 2022
Wisconsin Act 266.....	719	April 16, 2022
Wisconsin Act 267.....	720	April 16, 2022

State of Wisconsin
Office of the Governor

April 15, 2022

The Honorable, the Senate:

I am vetoing **Senate Bill 213** in its entirety.

This bill would change the venue for certain election law violations. Currently an action for certain election law violations must occur in the county where the defendant resides; the bill would provide that venue is proper in the county where the alleged violation occurred or, in some circumstances, a contiguous county. The bill would also allow any person to bypass filing a complaint with the Wisconsin Elections Commission in favor of commencing an action against an election official they believe has acted contrary to the law without first filing a complaint with the Wisconsin Elections Commission.

The right to vote is fundamental to our democracy; it should not be subject to the whim of politicians who do not like the outcome of an election. Elected officials should not be able to abuse their power to cheat or control the outcomes of our elections or to prevent eligible voters from casting their ballots. This legislation is among many that have been sent to my desk during this legislative session, each passed under the

guise of needing to reform our election system because elected officials in this state have enabled disinformation about our elections and election processes. I have and will object to each and every effort by this Legislature and its members to undermine our democracy, to erode confidence in our elections, and to demean and harass dedicated clerks, election administrators, and poll workers.

I am vetoing this bill in its entirety because I object to changing the venue for these actions and changing the procedure for commencing an action against an election official. Currently, a person accused of violations of state election laws is tried in the circuit court for the county where the defendant resides, with certain exceptions. This bill would specify that the venue for trying certain violations be either in the county where the act occurred or potentially in a contiguous county. This would undoubtedly lead to parties shopping around for judges who are perceived as more sympathetic to one political side or another. This is a dangerous precedent to set, and one which is not healthy for a well-functioning democracy.

I also object to modifying the way in which a person challenges the actions of an election official. Currently, any individual, other than a district attorney or the attorney general, must first file a complaint with the Elections Commission, and only after the commission's review can the matter go before a court. This step is essential as election laws are highly complex. It is quite likely that members of the public may perceive there to be an incorrect action by an election official because they do not understand the detailed law that regulates our elections. By starting the process with the Elections Commission, election experts can review the actions or perceived failures of action and determine if there was a potential violation or if the complainant simply did not understand the law.

Respectfully submitted,
 TONY EVERS
 Governor

**State of Wisconsin
 Office of the Governor**

April 15, 2022

The Honorable, the Senate:

I am vetoing **Senate Bill 347** in its entirety.

This bill removes the requirement that animal exhibition facilities holding a U.S. Department of Agriculture Class C exhibitor license must also hold the relevant license issued by the Wisconsin Department of Natural Resources.

I am vetoing this bill in its entirety because I object to reducing the standards to which wildlife exhibition facilities are held in Wisconsin. The U.S. Department of Agriculture Class C license has some requirements that are more lenient than those of the Department of Natural Resources. Eliminating the state licensing requirement for these facilities would prevent the department from applying state standards

that are designed to ensure humane handling, care, treatment, and transportation of captive animals.

Respectfully submitted,
 TONY EVERS
 Governor

**State of Wisconsin
 Office of the Governor**

April 15, 2022

The Honorable, the Senate:

I am vetoing **Senate Bill 365** in its entirety.

The bill modifies the statutory definition of broadband “unserved” areas to be an area of the state not served by at least one Internet service provider that provides download speeds of at least 100 megabits per second and upload speeds of at least 20 megabits per second and removes the statutory definition of broadband “underserved” areas. This bill also modifies the criteria by which the Public Service Commission may award grants under the Broadband Expansion Grant Program, including codifying and making changes to existing procedures that allow an Internet service provider to challenge the awarding of a grant if it currently provides broadband service to the area at the minimum download and upload speeds defined in the bill or if it credibly plans to complete construction of broadband infrastructure and provide broadband service at the minimum speed levels defined by the bill within 24 months. Under the bill, the Commission is required to evaluate such a challenge and prohibits it from funding the grant if it determines the challenge to be credible.

I am vetoing this bill in its entirety because I object to the creation of a procedure that would allow Internet service providers to block competition in rural and outlying areas of the state for up to two years by interfering with grants to other providers, potentially leaving residents with no service, inadequate service, or unaffordable service for a longer period. The Broadband Expansion Grant Program provides funding for broadband infrastructure in areas where private sector investment is insufficient. This statutory challenge process will delay the delivery of critical broadband service to rural areas of Wisconsin, which will leave rural students and residents further behind and put area small businesses at a competitive disadvantage.

I also object to codifying the speed definition of an “unserved” area in state statute. Broadband technology is evolving at a rapid pace and defining the speed of broadband service that leaves an individual as “unserved” in state statute could leave the Public Service Commission unable to make necessary updates to the Broadband Expansion Grant Program quickly in the future.

Expanding broadband to those areas of the state that need it is a key priority of my administration. Between federal pandemic aid and the state funding in the Broadband Expansion Grant Program, my administration has invested over \$280 million in broadband infrastructure to deliver high-

speed Internet access. In order to build out this infrastructure as quickly as possible, we need to support any entity that can do the job, and that includes the public sector as well as private sector companies that may not currently serve a specific area. Now is not the time to grant a competitive advantage to providers that have chosen not to deliver this service to these communities.

Respectfully submitted,
TONY EVERS
Governor

**State of Wisconsin
Office of the Governor**

April 15, 2022

The Honorable, the Senate:

I am vetoing **Senate Bill 394** in its entirety.

This bill creates a new license for advanced practice registered nurses (APRNs), administered by the Board of Nursing attached to the Department of Safety and Professional Services.

Nurses are essential to our healthcare system, patient care, and ensuring we have healthy communities in Wisconsin. Indeed, look no further than the last few years, during which nurses across our state have worked tirelessly on the frontlines during this pandemic—acts of selflessness and service for which we can never fully express our gratitude.

I recognize there are many individuals who support this legislation and others who do not, each with important stories, considerations, and concerns. I respect the many people and professions on both sides of this conversation. Unfortunately, the bill ultimately before me today does not address some of the issues raised by parties in the medical profession that went unremedied during the legislative process. I am therefore vetoing this bill in its entirety because I object to altering current licensure standards for APRNs, allowing practices functionally equivalent to those of physicians or potentially omitting physicians from a patient's care altogether notwithstanding significant differences in required education, training, and experience.

I have appreciated the opportunity to give this thoughtful consideration and I welcome continuing the conversations on this important issue.

Respectfully submitted,
TONY EVERS
Governor

**State of Wisconsin
Office of the Governor**

April 15, 2022

The Honorable, the Senate:

I am vetoing **Senate Bill 409** in its entirety.

This bill would prohibit providing instruction in any course to students at the University of Wisconsin System and the Wisconsin Technical College System that includes any one of several concepts listed in the bill. Additionally, this bill punishes any institution or technical college found to be in violation of this bill by requiring the University of Wisconsin System Board of Regents and the Technical College System Board to withhold five percent of that institution or college's state aid allocation. Further, the bill would create a private legal enforcement action, allowing individuals to sue for violations of the bill, and would require a court to award attorney fees among other forms of relief.

I am vetoing this bill in its entirety because I object to creating new censorship rules that restrict educators and higher education institutions from teaching honest, complete facts about important historical topics like the Civil War and civil rights. I continue to trust parents, students, educators, and our higher education institutions to work together to do what is best for our students without political interference and micromanagement from politicians in Madison. I also object to the Legislature's continued efforts to politicize our higher education institutions, sow division on our campuses, and micromanage the University of Wisconsin and the Wisconsin Technical College Systems. The Legislature must stop using our kids and our students as political pawns. Educators should be able to teach honest, complete facts, and our students deserve to learn in an atmosphere conducive to learning without the Legislature's unnecessary, politically motivated encroachment and censorship.

Respectfully submitted,
TONY EVERS
Governor

**State of Wisconsin
Office of the Governor**

April 15, 2022

The Honorable, the Senate:

I am vetoing **Senate Bill 494** in its entirety.

This bill would make numerous changes to the Department of Natural Resources' aquatic plant management program. The bill would modify the purpose of the aquatic plant management program to require the department to utilize management methods that ensure invasive and nuisance aquatic plants are suppressed or eradicated to the greatest extent possible. The bill would also require that, when reviewing an aquatic plant management plan, the department give equal consideration to plans that utilize chemical treatments. Additionally, the bill would provide an exemption from the permitting process for certain private ponds under 10 acres.

I am vetoing this bill in its entirety because I object to requiring the department to eradicate invasive and nuisance aquatic plants without sufficient safeguards for protecting the plants and waters of the state. The department currently balances the benefits of eliminating invasive and nuisance

aquatic plants with other ecological, social, and economic impacts. Setting eradication as the standard could lead to overaggressive policies that harm our environment, our tourism economy, and quality of life for Wisconsin residents.

I also object to requiring the department to give chemical treatments equal consideration to non-chemical treatments. Individual bodies of water and aquatic management plans must be evaluated to determine the best management strategy. Broadly requiring the department to give equal consideration to chemical treatments, even in cases where chemical treatment is not appropriate, may have the effect of favoring chemical treatments over non-chemical treatments.

I further object to providing an exemption from the permitting process for certain private ponds under 10 acres. This provision could have a major impact on Wisconsin's waters, as the department estimates that it could apply to up to 45,000 bodies of water. Before issuing a permit for chemical treatment, the department reviews the body of water to determine if there are any known endangered, threatened, or special concern species located at the site. By removing the permit requirement, we would lose this valuable check and potentially harm environmentally and culturally important species.

Finally, I object to modifying the aquatic plant management program while the department is in the process of updating its administrative rules for the program. The administrative rulemaking process began in April 2020, with the approval of the scope statement and has involved considerable stakeholder input. Stakeholder input is a valuable part of the rulemaking process and gives a voice to the citizens of Wisconsin. This bill would circumvent the department's rulemaking process and disregard the stakeholder input that was collected as a part of that process.

Respectfully submitted,
TONY EVERS
Governor

State of Wisconsin
Office of the Governor

April 15, 2022

The Honorable, the Senate:

I am vetoing **Senate Bill 570** in its entirety.

This bill would, with certain exceptions, limit the civil liability of firearm, firearm accessory, and ammunition manufacturers, distributors, importers, trade associations, sellers and dealers.

I am vetoing this bill in its entirety because I object to creating more immunities for the gun industry. Under the federal Protection of Lawful Commerce in Arms Act, Pub. L. 109-92, the gun industry already enjoys the benefit of broad immunity that virtually no other industry receives in federal and state courts. This bill would double down on those privileges and create an unprecedented, punitive fee-shifting mechanism in Wisconsin. I believe the presumption should be an open courthouse door to anyone seeking justice and an

honest debate of the law of the land. Any immunity or deviation from that presumption should be tailored and finite. Creating more far-reaching immunities to protect the gun industry is unnecessary and the wrong approach.

As I have previously said, Wisconsinites desperately want their elected leaders to act on gun safety and support having a meaningful, thoughtful dialogue about common-sense solutions that will both respect and uphold rights while keeping our communities safe. These goals are not mutually exclusive, and I continue to welcome constructive conversations to that end.

Respectfully submitted,
TONY EVERS
Governor

State of Wisconsin
Office of the Governor

April 15, 2022

The Honorable, the Senate:

I am vetoing **Senate Bill 585** in its entirety.

This bill would require public school district high schools, independent charter high schools, and private high schools participating in a parental choice program, to collect and submit to the Department of Public Instruction statistics on violations of municipal disorderly conduct ordinances and certain other crimes. This bill would also require the department to include the statistics on school and school district accountability reports, but the statistics would not be considered in the calculation of school or school district performance for purposes of the accountability reports.

As a former educator, principal, and state superintendent, I know what's best for our kids is what's best for our state, and that includes ensuring our kids are safe, healthy, and in the classroom. Student safety and security, especially at school, is critically important. This is among the reasons that, for years, public schools in Wisconsin have already been reporting on student behavior resulting in that student's suspensions and expulsion. However, I must veto this bill in its entirety for several reasons. First, I object to mandating additional reporting without the necessary funding for implementation. School districts, independent charter schools, and private schools participating in a parental choice program have differing levels of staffing, training, and resources at each high school related to incident and crime reporting. This disparate level of resources may lead to inconsistent reporting and may compromise the value of the data by not providing like comparisons. This problem could be further complicated by the fact that the definition of disorderly conduct is defined at the municipal level, which may lead to inconsistent reporting for school districts spanning multiple municipalities or counties.

I also object to this bill excluding local law enforcement agencies from the reporting process. High schools do not have the same access to the Summary-Based Reporting and Incident-Based Reporting systems, and subsequently the

Wisconsin Incident-Based Reporting System, as local law enforcement agencies.

Respectfully submitted,
TONY EVERS
Governor

**State of Wisconsin
Office of the Governor**

April 15, 2022

The Honorable, the Senate:

I am vetoing **Senate Bill 608** in its entirety.

This bill allows students that participated in the Special Needs Scholarship program in the previous year to meet the prior year's attendance requirement to participate in the Wisconsin Parental Choice program or the Racine Parental Choice program. The bill additionally extends the window of time when students may transfer applications across choice programs and allows applications for the Milwaukee Parental Choice program or Racine Parental Choice program to transfer to the Wisconsin Parental Choice program if certain conditions are met. Finally, as drafted last year, the bill opened a window in November 2021 to allow applications submitted prior to April 2021 to transfer between choice programs.

I am vetoing this bill in its entirety because I object to complicating the movement of students among the state's private choice programs while these programs continue to be funded in a disparate manner and have different requirements. Funding for parental choice programs remains convoluted and inconsistent across programs. Currently, new students enrolling in private schools in the Wisconsin Parental Choice program and Racine Parental Choice program are effectively entirely funded by their resident school district's property taxes through a revenue limit adjustment, but students enrolling in private schools in the Milwaukee Parental Choice program are funded almost entirely by the state. Additionally, the bill continues untimely and obsolete provisions.

Respectfully submitted,
TONY EVERS
Governor

**State of Wisconsin
Office of the Governor**

April 15, 2022

The Honorable, the Senate:

I am vetoing **Senate Bill 629** in its entirety.

This bill would require the Wisconsin Economic Development Corporation to implement a program to certify active or prospective residential real estate development sites as shovel-ready if such sites meet several criteria. The bill would further require local governments and state agencies to expedite permitting for these shovel-ready projects.

I am vetoing this bill in its entirety because I object to implementing a program that may detract from existing economic development efforts. While the bill is aimed at improving the availability of workforce housing in the state, it does not ensure that a shovel-ready site would address a particular or even generalized workforce housing need anywhere in the state. The proposed requirements for a minimum number of housing units and a maximum acreage per single-family housing unit, are insufficient to fill gaps in our workforce housing. In fact, the bill provides no means to require that a qualifying site be useful when considered on price or location.

Moreover, I object to requiring the Wisconsin Economic Development Corporation to create a program without additional funding, which may force the corporation to shift resources and staffing away from established and tested economic development programs.

Respectfully submitted,
TONY EVERS
Governor

**State of Wisconsin
Office of the Governor**

April 15, 2022

The Honorable, the Senate:

I am vetoing **Senate Bill 695** in its entirety.

This bill eliminates the limit on the total number of charter schools (six) that may be authorized by the College of Menominee Nation and the Lac Courte Oreilles Ojibwe College (collectively, tribal colleges).

I am vetoing Senate Bill 695 in its entirety because I object to further complicating our school funding system. Currently, funding for students in a tribal college-authorized independent charter school is provided through state General Purpose Revenue and a corresponding state general aid reduction to the resident school district of a child attending such a school. Although the resident school district is allowed to count the student in its membership for revenue limit and state general aid purposes, school districts are typically not fully compensated for the aid reduction in the following year and must levy additional property taxes to replace the full aid reduction to avoid having to reduce their budget. This funding system results in inconsistent financial impacts on property taxes and overall public-school resources with varying relative costs per pupil and relative property value per pupil.

Further, tribal college authorizers are presently legally able to authorize 200 percent more independent charter schools than they operated in the 2021-22 school year without necessitating this legislation, rendering it unnecessary.

Respectfully submitted,
TONY EVERS
Governor

**State of Wisconsin
Office of the Governor**

April 15, 2022

The Honorable, the Senate:

I am vetoing **Senate Bill 703** in its entirety.

This bill would clarify the distinctions between an employee versus an independent contractor for motor vehicle operators, where the motor carrier deploys, implements, or uses motor carrier safety improvements.

I am vetoing this bill in its entirety because I object to Legislature bypassing the Worker's Compensation Advisory Council and the Unemployment Insurance Advisory Council's processes, which play a critical role in recommending changes to current law and that are supported by key stakeholders from both labor and management representatives in their respective industries.

I also object to further weakening the distinction between independent contractors and employees as defined under worker's compensation, unemployment insurance, and equal rights laws. Finally, this bill does not offer any additional protection from fraudulent misclassification of employees or independent contractors.

Respectfully submitted,
TONY EVERS
Governor

**State of Wisconsin
Office of the Governor**

April 15, 2022

The Honorable, the Senate:

I am vetoing **Senate Bill 707** in its entirety.

The bill would change the definition of veteran in state employment relations statutes to include a person who was discharged from the military under other than honorable conditions for having not received a COVID-19 vaccine.

I am vetoing this bill in its entirety because I object to expanding this definition to reward individuals that refused to follow an order. The U.S. Armed services make the determinations regarding what constitutes an honorable discharge and what does not. The military also directs countless requirements to ensure an equipped and prepared military, including numerous vaccine requirements. State law is currently clear—veteran status is extended under our state employment relations statutes to those honorably discharged from the U.S. Armed Services.

Respectfully submitted,
TONY EVERS
Governor

**State of Wisconsin
Office of the Governor**

April 15, 2022

The Honorable, the Senate:

I am vetoing **Senate Bill 708** in its entirety.

This bill would provide that if an employee is terminated for not receiving a COVID-19 vaccination or for failing to provide their vaccination status, any non-compete agreement signed by the employee is per se unreasonable, and thus illegal, void, and unenforceable.

I am vetoing this bill in its entirety because I object to the Legislature's continued efforts to inject partisan politics and rhetoric into public health practices by preventing employers from making decisions that work for them, their customers, their workers, and their operations to help prevent and suppress the spread of COVID-19. As I have repeatedly indicated, we must be focused on following the science and the advice of public health experts, saving lives, and fighting this virus to keep Wisconsinites healthy and safe.

Respectfully submitted,
TONY EVERS
Governor

**State of Wisconsin
Office of the Governor**

April 15, 2022

The Honorable, the Senate:

I am vetoing **Senate Bill 900** in its entirety.

This bill would allow municipalities and private landowners to create title over formerly submerged lands in the Great Lakes waters – land which the state of Wisconsin currently holds in public trust for the people of Wisconsin – and certain commercial waterways. Under the bill, a person may submit an application to a municipality for a determination of the location of the proposed shoreline. The bill would require the Department of Natural Resources to adopt a determination by a municipality unless the department finds a municipality's public interest determination lacked substantial evidence, or the property is not upland. The latter determination would not warrant a full rejection, but would rather require the Department to modify the proposed shoreline accordingly.

I am vetoing this bill in its entirety because I object to impinging on the constitutional public trust doctrine under Article IX, Section 1 of the Wisconsin Constitution. This bill would open the door to the whittling away of public land by allowing the transfer of public lands to private entities for private use without a rigorous review process. While I appreciate the Legislature's efforts to clarify the law in this area, I believe that this bill as drafted would violate the constitutional public trust doctrine in certain applications and, in its current form, could likely lead to litigation.

Respectfully submitted,
TONY EVERS
Governor

**State of Wisconsin
Office of the Governor**

April 15, 2022

The Honorable, the Senate:

I am vetoing **Senate Bill 936** in its entirety.

This bill would modify the way in which the Elections Commission processes sworn complaints, requiring the commissioners to determine how to proceed with the complaints, and would modify the procedures for the post-election audit.

The right to vote is fundamental to our democracy; it should not be subject to the whim of politicians who do not like the outcome of an election. Elected officials should not be able to abuse their power to cheat or control the outcomes of our elections or to prevent eligible voters from casting their ballots. This legislation is among many that have been sent to my desk during this legislative session, each passed under the guise of needing to reform our election system because elected officials in this state have enabled disinformation about our elections and election processes. I have and will object to each and every effort by this Legislature and its members to undermine our democracy, to erode confidence in our elections, and to demean and harass dedicated clerks, election administrators, and poll workers.

I am vetoing this bill in its entirety because I object to the Legislature micromanaging the way the Elections

Commission reviews and addresses complaints of elections violations, creating unnecessarily burdensome requirements. The Elections Commission has a clear responsibility to review election complaints in a timely manner. The 60-day timeline proposed by this bill is unnecessarily cumbersome. The commission and its staff require flexibility when responding to complaints as necessary and should not have to wait for a formal commission meeting to act whether that be to grant relief or dismiss a frivolous complaint.

Respectfully submitted,
TONY EVERS
Governor

**REFERRALS AND RECEIPT OF
COMMITTEE REPORTS CONCERNING
PROPOSED ADMINISTRATIVE RULES**

The committee on **Agriculture and Tourism** reported and recommended:

Senate Clearinghouse Rule 21-093

Relating to county and district fairs.

Modifications requested

Ayes: 5 – Senators Ballweg, Marklein, Testin, Petrowski and Bernier.

Noes: 4 - Senators Pfaff, Erpenbach, L. Taylor and Smith.

JOAN BALLWEG
Chairperson